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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/664,595	09/19/2003	Timothy A.M. Chuter	ENDOV-64553	3652

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EXAMINER
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ISABELLA, DAVID J

ART UNIT	PAPER NUMBER
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3738

MAIL DATE	DELIVERY MODE
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07/27/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER
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ART UNIT	PAPER
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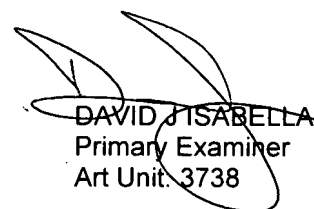
20070718

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**Commissioner for Patents**

SEE ATTACHED PAPER.

  
DAVID J. ISABELLA  
Primary Examiner  
Art Unit 3738

### ***Applicant's Response***

Applicant's response filed on 5/4/2007 electing species of figures 1;3 and 7 is acknowledged. However, claims 1-15 are drawn to a non-elected invention and therefore the election by applicant is considered to be non-responsive.

Applicant has elected patentably distinct species from each of Group A, Group B and Group C. However, in listing the claims that are readable on the elected species, examiner notes that no independent claim is readable on the species as elected by applicant. Therefore no action to the claims can be effected.

The elected graft of figure 1 is described in the specification, page 13, as:

Referring now to FIG. 1, there is shown one application of the present invention. As shown in FIG. 1, the present invention includes a first or main graft component 50. The main graft component 50 embodies a generally tubular shape involving a superior end portion 52, an inferior end portion 54, and a midsection 56. Each of the superior 52 and inferior 54 end portions includes openings or apertures 20 58, 60. Additionally, the main graft component 50 includes a plurality of limbs 62, 64, 66 extending in an inferior direction (though they can extend in various and varied other directions) from a superior end portion of the main component 50. Each of the limbs 62, 64, 66 include openings or apertures 68, 70, 72 at terminal ends of the limbs 62, 64, 66. Although the figures depict three such limbs, fewer or 25 more limbs may be provided for a particular purpose. The limbs can be different lengths and can be located at different axial and circumferential locations along the main graft.

Claim 1 is directed to a graft having a main body including a superior end (52) and an inferior end (54), the superior end being sized to engage walls defining an aortic arch portion of vasculature, **the inferior end including a first leg and a second leg,** the first leg being longer and having a smaller diameter than the second leg; and an

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extension component, the extension component being sized to mate with the second leg after placement of the main body within vasculature.

The elected figure 1 illustrates an inferior end with only one leg, therefor the claim remains unreadable on the elected species.

Applicant argues that the claims as amended are clearly readable on the elected species.

In the Office action dated April 30, 2007, the Examiner stated that original claims 1-15 are drawn to a non-elected invention and as such, the election by Applicant is considered to be non-responsive. Accordingly, independent claim 1 has been amended so that claims 1-15 now clearly read on the elected species of Figures 1, 3 and 7. As such, it is believed that the Applicant has now provided claims 1-15 which are readable on the elected species.

If applicant maintains that the claims are, in fact, readable on the elected species, then applicant should provide a clear explanation as to how each element is described in the elected figures.

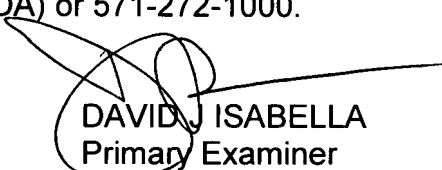
Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to provide claims that are readable on the elected species. in order to avoid abandonment. **EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).**

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to DAVID J. ISABELLA whose telephone number is 571-272-4749. The examiner can normally be reached on MONDAY-FRIDAY.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, CORRINE MCDERMOTT can be reached on 571-272-4754. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



DAVID J. ISABELLA  
Primary Examiner  
Art Unit 3738

DJI  
7/16/2007